



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Steve Tate, Mayor Pro Tempore	Steve Tate, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Mark Grzan, Council Member	Mark Grzan, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, OCTOBER 19, 2005

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions and at 7:00 P.M. to conduct Redevelopment Agency Business.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 3

2.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority: Government Code Section 54956.8
Property: 1505 Fieldshire Way, APN: 728-15-001
Agency Negotiators: Agency Director, Interim Agency Counsel, Director of Business Assistance & Housing Services
Parties: Lisa I. Corona
Under Negotiation: Price, Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

Act of Heroism
David Ward

Act of Heroism
Michelle May

Award of Accreditation from the Commission of Fire Accreditation International
Chief Ben Lopes

CITY COUNCIL REPORT

Council Member Grzan

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-18 The Consent Calendar may be acted upon with one motion, a second and the vote, by each
respective Agency. The Consent Calendar items are of a routine or generally uncontested nature
and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of
Conduct, any member of the Council or public may request to have an item pulled from the
Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **INDOOR RECREATION CENTER PROJECT – SEPTEMBER CONSTRUCTION PROGRESS
REPORT** 1
Recommended Action(s): Information Only.
2. **DOWNTOWN TRAFFIC CALMING – THREE MONTH REVIEW AFTER JUNE 2005 INITIAL
INSTALLATION** 9
Recommended Action(s): Information Only, At This Time.
3. **THIRD AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF HATCH & PARENT** 23
Recommended Action(s): Authorize the City Manager to Execute a Third Amendment to the Agreement
with the Law Firm of Hatch & Parent.
4. **SECOND AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF PRESTON, GATES &
ELLIS, LLP** 37
Recommended Action(s): Authorize the City Manager to Execute a Second Amended Agreement with
the Law Firm of Preston, Gates & Ellis, LLP.
5. **APPROVAL OF PAYMENT TO SANTA CLARA COUNTY FOR VEGETATION ABATEMENT
ON CITY-OWNED PROPERTY** 49
Recommended Action(s): Approve Payment in the Amount of \$33,847.19 for Vegetation Abatement.

Time Estimate
Consent Calendar: 1 - 10 Minutes

Page

6. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9617, CAPRIANO PHASE VI** 61
Recommended Action(s):
 1. **Adopt** the Resolution Accepting the Subdivision Improvements Included in Tract 9617, Commonly Known as Capriano Phase VI; and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

7. **FINAL MAP APPROVAL FOR THE RANCH AT ALICANTE (TRACT 9716)** 67
Recommended Action(s):
 1. **Approve** the Final Map, Subdivision Agreement and Improvement Plans;
 2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement, Following Recordation of the Development Improvement Agreement.

8. **PUBLIC WORKS ASPHALT MAINTENANCE AGREEMENT FOR FISCAL YEAR 2005-2006** 79
Recommended Action(s):
 1. **Approve** New Maintenance Agreement for Annual Miscellaneous Pavement Repair Services; and
 2. **Authorize** the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.

9. **WILDLIFE TRAIL DESIGN CONTRACT** 87
Recommended Action(s): Authorize the City Manager to Execute an Agreement with Bellinger Foster Steinmetz, in an Amount not to exceed \$40,450, for the Development of Construction Documents and Construction Oversight for the Morgan Hill Wildlife Trail; Subject to Review and Approval by the City Attorney.

10. **AWARD OF DEPOT STREET SEWER REPLACEMENT PROJECT** 91
Recommended Action(s):
 1. **Award** Contract to D'Arcy & Harty Construction, Inc. for the Construction of the Depot Street Sewer Replacement Project in the Amount of \$382,940; Subject to Review and Approval by the City Attorney;
 2. **Authorize** the Expenditure of Construction Contingency Funds not to Exceed \$38,294; and
 3. **Appropriate** \$117,000 From the Unappropriated Sanitary Sewer Rehabilitation Fund (643).

11. **AWARD OF PROFESSIONAL SERVICES CONTRACT FOR SEWER INFILTRATION INVESTIGATION IN THE ATHERTON AREA** 95
Recommended Action(s): Authorize the City Manager to Execute a Consultant Agreement with V&A Consulting Engineers, Inc. for Sewer Infiltration Investigation in the Atherton Area in the Amount of \$28,600; Subject to Review and Approval by the City Attorney.

12. **ESTABLISH NEW CLASSIFICATION AND SALARY RANGES** 101
Recommended Action(s):
 1. **Adopt** the New Job Description and Salary Range for the Position of Public Safety Dispatcher Supervisor;
 2. **Abolish** the Lead Public Safety Dispatcher Position;
 3. **Reclassify** and **Establish** New Salary Range for Property/Evidence Technician;
 4. **Change** the Title of Police Lieutenant to Police Commander;
 5. **Establish** Salary Range for Special Assignments for Senior Planner Position; and
 6. **Reclassify** the Vacant Associate Planner Position to Senior Planner Position.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
13.	<u>PURCHASE OF POLICE VEHICLES</u>.....	119
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> the Purchase of Four (4) Vehicles from The Ford Store through reliance upon the Competitive Bid Process by the City of Gilroy, for a Total Cost of \$91,069.85; and	
	2. <u>Declare</u> Four (4) Vehicles being replaced as Surplus and <u>Authorize</u> the Sale of these Vehicles at Auction.	
14.	<u>REPLACEMENT PURCHASE OF A POLICE VEHICLE</u>.....	129
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> the Vehicle Purchase and Police Equipment Build Out through The Ford Store Morgan Hill for the Vehicle Identified in the Staff Report for a Total Cost of \$23,517.70; and	
	2. <u>Approve</u> a \$13,518.00 Budget Increase in the Equipment Replacement Fund for the Portion of the Replacement Cost over the Insurance Deductible that will be Financed with the Insurance Proceeds or other Reimbursements.	
15.	<u>FINDINGS FOR BUILDING PERMIT FEES CHARGED FOR INSTALLATION OF A SOLAR – ELECTRIC PHOTOVOLTAIC ROOF SYSTEM</u>.....	133
	<u>Recommended Action(s): Take No Action;</u> Information Only.	
16.	<u>ADOPT ORDINANCE NO. 1740, NEW SERIES</u>.....	139
	<u>Recommended Action(s): Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1740, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM ML, LIGHT INDUSTRIAL, R-2 (3500) RESIDENTIAL AND CG, GENERAL COMMERCIAL TO CC-R, CENTRAL COMMERCIAL/RESIDENTIAL FOR TWENTY NINE PARCELS TOTALING 13.25 ACRES LOCATED AT THE SOUTHEAST CORNER OF EAST DUNNE AVENUE AND CHURCH STREET AND SOUTH SIDE OF EAST OF DUNNE AVENUE BETWEEN MONTEREY ROAD AND CHURCH STREET NORTH OF BISCEGLIA AVENUE. (APNS 817-01-018 thru 022, 026, 031 thru 039, 045, 046, 050, 051, 053 thru 057, 059 thru 064).	
17.	<u>APPROVE SPECIAL CITY COUNCIL MINUTES OF SEPTEMBER 30, 2005 MEETING</u>.....	145
18.	<u>APPROVE JOINT REGULAR AND SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF OCTOBER 5, 2005</u>.....	147

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 19-21

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
19.	<u>SALE OF BELOW MARKET RATE (BMR) HOME LOCATED AT 324 VIA NAVONA</u>.....	171
	<u>Recommended Action(s):</u>	
	1. <u>Authorize</u> use of up to \$20,000 to Complete any Necessary Repairs for this BMR Unit; and	
	2. <u>Authorize</u> Staff to Sell this BMR Unit to a Median Income BMR Buyer at the Established Median Income BMR Home Price.	

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
20.	<u>LOAN TO COMMUNITY SOLUTIONS FOR THE REHABILITATION OF THE LA CASA DEL PUENTE TRANSITIONAL SHELTER FOR THE MENTALLY DISABLED</u>	173
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> a Loan of up to \$102,000 under the Redevelopment Agency's Housing Rehabilitation Loan Program to Community Solutions; and	
	2. <u>Authorize</u> the Executive Director to do Everything Necessary to Prepare and Execute Loan Documents.	
21.	<u>AUTHORIZATION TO APPLY FOR AND ACCEPT A CALIFORNIA HOUSING FINANCE AGENCY (CalHFA) HELP LOAN FOR HOUSING PROJECTS</u>	177
	<u>Recommended Action(s):</u>	
	1. <u>Adopt</u> the Resolution Authorizing the Executive Director to Apply to the California Housing Finance Agency (CalHFA) "HELP" Program for a Loan of up to \$1 Million Dollars; and	
	2. <u>Authorize</u> the Executive Director to do Everything Necessary to Accept and Execute the Loan with CalHFA, if Awarded.	

City Council Action (Continued)

CONSENT CALENDAR:

ITEMS 22

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
22.	<u>ADOPT ORDINANCE NO. 1739, NEW SERIES</u>	181
	<u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1739, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <u>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 19.87 ACRES FROM COUNTY OF SANTA CLARA AGRICULTURAL ZONING (A-20) TO PLANNED UNIT DEVELOPMENT (PUD) ZA-05-10: CONDIT-KUBO (APN 728-17-011, -024, -025).</u>	

City Council Action

PUBLIC HEARINGS:

	Time Estimate	Page
23.	5 Minutes	
	<u>ZONING AMENDMENT, ZA-05-06: CITY OF MORGAN HILL-MAST STREET PLANNED UNIT DEVELOPMENT (PUD) DISTRICT AMENDMENT</u>	195
	Public Hearing Opened.	
	Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
	Council Discussion.	
	Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Approving PUD.	
	Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	

PUBLIC HEARINGS:

	Time Estimate		Page
24.	5 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT, DAA-04-07: MONTEREY-SOUTH COUNTY HOUSING (ROYAL COURT)</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Development Agreement. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	207
25.	5 Minutes	<u>APPLICATION ZA-05-08: AMENDING THE ZONING CODE LOT DEFINITION AND PARKING CODE STANDARD ON TANDEM PARKING</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Municipal Code. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	221
26.	15 Minutes	<u>ZONING AMENDMENT, ZA-05-11: CITY OF MORGAN HILL – ESTABLISHING PROVISIONS FOR DOWNTOWN ADMINISTRATIVE USE PERMITS</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Chapter 18 of the Municipal Code. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) Action- <u>Provide Direction</u> on Further Ordinance Amendments.	233

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
27.	10 Minutes	<u>REQUEST FOR ENDORSEMENT OF PROPOSITION 77 – REDISTRICTING INITIATIVE CONSTITUTIONAL AMENDMENT</u> <u>Recommended Action(s): Consider</u> Request for Endorsement of Proposition 77.	247

OTHER BUSINESS:

	Time Estimate		Page
28.	15 Minutes	<u>CONSIDER PROPOSED TEXT AMENDMENTS TO TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE MORGAN HILL MUNICIPAL CODE</u> <u>Recommended Action(s):</u> <ol style="list-style-type: none"> 1. <u>Consider</u> Proposed Text Amendments to Title 2, Chapters 2.22 (Master Provisions for Boards & Commissions), 2.28 (Health Commission), 2.32 (Parks & Recreation Commission), 2.56 (Architectural & Site Review Board), 2.64 (Mobile Home Rent Commission), and 2.68 (Library, Culture & Arts Commission); and Addition of Chapter 2.70 (Senior Advisory Commission) to the Morgan Hill Municipal Code; 2. <u>Provide</u> Staff Direction with any Recommended Changes to the Draft Ordinance; 3. <u>Request</u> Comments from the Affected Commissions; and 4. <u>Direct</u> Staff to Return with an Ordinance, Incorporating Amendments to the Municipal Code as it Relates to City Council Appointed Boards and Commissions. 	261

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT